REMARKS

The Office Action mailed August 19, 2010 has been reviewed and reconsideration of the above-identified application is respectfully requested in view of the following amendments and remarks.

Claims 1-13 are pending and stand rejected.

Claims 1, 8, 10, 11, 12 and 13 are independent claims.

No claims have been amended.

Claims 1-3, 5, 7-10, 12 and 13 stand rejected under 35 USC 103(a) as being unpatentable over Tamaki (USPPA 2003/0124976) in view of Wiedeman (USP no. 5,859,874). Claims 4, 6, and 11 stand rejected under 35 USC 103(a) as being unpatentable over Tamaki and Wiedeman and further in view of Larsson (USPPA 2005/0014464).

With regard to the rejection of claims 1-3, 5, 7-10, 12 and 13 under 35 USC 103(a) as being unpatentable over the combination of Tamaki and Weideman, applicant respectfully disagrees with and explicitly traverses the rejection of the claims.

In rejecting the claims the Office Action asserts that Tamaki teaches all the elements recited in the claims and refers to a correlation matrix to obtain estimates of a propagation path from a transmitter to a repeater and a propagation path from the repeater to a receiver independently (para. 0017, 0019).

The Office Action refers to Wiedeman for teaching circuitry for correlating multiple transmission signals received via different propagation paths which is used to control future transmission along each communication path.

As previously characterized by the applicant and acknowledged by the Office Action, Tamaki does not provide any teaching regarding the elements of "correlating the first and second signal with each other" or "in dependence of a correlation result, adjusting a process for processing a signal at a node," as is recited in the claims.

Wiedeman discloses a multi-path device including a plurality of communication paths being defined between a plurality of first transceivers and a second transceiver. Each communication path contains at least one repeater. Each signal transmission from the first transceiver to the second transceiver contains an identifiable copy of an identical signal copy over each communication path. Weideman further teaches that the receiver of the second transceiver includes circuitry for correlating the (n) multiple transmission of the same signal that arrive via the different repeaters and which were originally transmitted from the first transceivers. (see col. 7, lines 51-55). Weideman further discloses "in that receiver channels 1-(n) are substantially identical to one another, the remaining discussion will be made in referenced to receiver channel 1, it being realized that the discussion applies equally to all receiver channels". (see col. 8, lines 16-19). Weideman next teaches that the correction on the receiver channel 1 (which is substantially the same as that on the other channels) "is implemented by a delay-locked detector. A delay locked detector is a known device that functions by subtracting a correlation function, in an early correlation of the received signal with alocal reference pilot sequence, from a correlation function in a late correlation of the received signal with the local pilot reference sequence. If there is no time tracking error, the resultant difference is zero. If the local reference leads the correct timing, a negative difference signal is produced; conversely if the local reference lags the correct timing a positive difference signal results: (see col. 8, lines 32-42).

Thus, Weideman teaches that each channel is independently processed to be correlated with a local reference to determine whether there is a lead/lag of the received signal with respect to the local reference signal.

Weideman further discloses that another function of the controller is to "estimate ... the delay between the i^{th} SS code signal copy and the maximum delayed code signal copy. When this is achieved, the controller adjusts each different delay such that all signals emerging at node C are equalized to the receive signal that has the maximum delay." (see col. 9, lines 1-7).

Thus, Weideman teaches that based on the results of the determined delay on each channel, the processing on each channel is further delayed to be equalized to that of a received signal with a maximum delay. That is, each signal is further delayed so that all the signals have a maximum delay.

However, as Weideman discloses that each received signal is correlated with a local reference signal to determine a corresponding channel delay, Weideman fails to disclose the claim element of "processing and correlating the first and second destination signal (31, 32) **with each other."** Rather Weidman discloses that the received signals are processed with respect to a local reference and not with each other.

A claimed invention is prima facie obvious when three basic criteria are met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings therein. Second, there must be a reasonable expectation of success. And, third, the prior art reference or combined references must teach or suggest all the claim limitation. However, the Court in *KSR v. Teleflex* (citation omitted) has held that the teaching, suggestion and motivation test (TSM) is merely to be used as a helpful hint in determining obviousness and a bright light application of such a test is adverse to those factors for determining obviousness enumerated in the *Graham v. John Deere* (i.e., the scope and content of the prior art, the level of ordinary skill in the art, the differences between the claimed invention and the prior art and objective indicia of non-obviousness) (citation omitted).

In this case, the combination of Tamaki and Weideman cannot render unpatentable the subject matter of the independent claims, as the combination of Tamaki and Weideman fails to disclose at least the claim element of "processing and correlating the first and second destination signal **with each other**." In addition, as the combination of Tamaki and Weideman fails to disclose correlating the first and second destination signal with each other, the combination of Tamaki and Weideman cannot disclose the element of "in

dependence of a correlation result," as the combination of Tamaki and Weideman fails to disclose a correlation of first and second destination signals with each other.

For the remarks made herein, applicant submits that the reason for the rejection of the aforementioned claims has been overcome.

With regard to the rejection of claims 4, 6 and 11 under 35 USC 103(a) as being unpatentable over Tamaki and Weideman and further in view of Larsson, applicant respectfully disagrees with and explicitly traverses the rejection of the claims.

Larsson discloses a wireless communication network using relaying wherein a transmitter provides signals to relay stations that forward the received signal to a receiving system. Larsson teaches that the receiving system characterizes the corresponding channels based on signals received on a first channel and a second channel. The channel characteristics are provided to the relay stations so as to adapt their forwarding based on the provided channel characteristics.

Thus, Larsson teaches the characterization of the signals received on two channels and uses this characterization to adjust the forwarding characteristics of the relay stations. Larsson fails to teach the correlation of the signals received on the two channels with each other and using the results of the correlation to perform adjusting, as is recited in the claims.

Claims 4 and 6 depend from claim 1, which has been shown to include subject matter not disclosed by the combination of Tamaki and Weideman, and Larsson fails to provide any teaching regarding correlating the received signals with each, as is recited in the claims.

Accordingly, claims 4 and 6 are not rendered unpatentable as the combination of the cited references fails to disclose at least one material element recited in the independent claims.

Independent claim 11 recites subject matter similar to that recited in claim 1, and as shown Larsson fails to disclose correlating the first and second received signals to adjust the characteristics of the relay stations.

In this case, the combination of Tamaki, Weideman and Larsson cannot render obvious the invention claimed in independent claim 11 and dependent claims 4 and 6 as the combination of the cited references fails to disclose a material element recited in the claims.

Applicant submits that the reason for the rejection has been overcome.

For the remarks made here, applicant submits that the reason for the rejection of the aforementioned claims has been overcome.

For the amendments made to the clams and for the remarks made herein, applicant submits that all the rejections has been overcome and respectfully requests that the rejections be withdrawn and a Notice of Allowance be issued.

Applicant denies any statement, position or averment stated in the Office Action that is not specifically addressed by the foregoing. Any rejection and/or points of argument not addressed are moot in view of the presented arguments and no arguments are waived and none of the statements and/or assertions made in the Office Action is conceded.

Applicant makes no statement regarding the patentability of the subject matter recited in the claims prior to this Amendment and has amended the claims solely to facilitate expeditious prosecution of this patent application. Applicant respectfully reserves the right to pursue claims, including the subject matter encompassed by the originally filed claims, as presented prior to this Amendment, and any additional claims in one or more continuing applications during the pendency of the instant application.

In the event the Examiner deems personal contact desirable in the disposition of this case, the Examiner is invited to call the applicant's representative at the telephone given below.

No fees are believed necessary for the timely filing of this paper.

Respectfully submitted,

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